

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, and )  
THE STATE OF CALIFORNIA ) 2:04-cv-1053-GEB-JFM  
ex. rel. KEITH JAMES, )  
Plaintiffs, )  
v. ) ORDER OF DISMISSAL  
MED-MART, INC.; PACIFIC PULMONARY )  
SERVICES, et al., )  
Defendants. )

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On July 12, 2007, Plaintiff Keith James was required to respond to an Order to Show Cause (OSC) "in a writing to be filed, and served on the United States and the State of California, no later than 12:00 p.m. on July 23, 2007, why this action should not be dismissed for failure to effect service of process on Defendants within the time prescribed by Federal Rule Of Civil Procedure 4(m)." Plaintiff was warned in the OSC that if he failed to respond to the OSC, "this action may be dismissed." The July 12 Order further stated that "if either the United States or the State of California objects to dismissal of this action, that entity shall file a writing stating such objection no later than 12:00 p.m. on July 23, 2007."

1 Since there has been no response to the OSC, this action  
2 is dismissed without prejudice.

3 IT IS SO ORDERED.

4 Dated: May 7, 2008

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6 GARLAND E. BURRELL, JR.  
7 United States District Judge

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